

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III)	
)	
and)	
)	Case No. 4:16-cv-00179-HCM-DEM
PENINSULA PLASTIC SURGERY CENTER, LTD.)	
)	ANSWER OF DEFENDANT
<i>Plaintiffs,</i>)	XCENTRIC VENTURES, LLC
v.)	
)	
XCENTRIC VENTURES, LLC)	
)	
and)	
)	
EDWARD MAGEDSON)	
)	
and)	
)	
DARREN M. MEADE)	
)	
and)	
)	
TRACEY A. RICHTER)	
)	
and)	
)	
ANNA RICHTER)	
)	
and)	
)	
BERT PITMAN (a/k/a BERT RICHTER))	
)	
<i>Defendants.</i>)	
)	

Defendants Xcentric Ventures, LLC (Xcentric or Defendant), for its answer herein, responds as follows:

1. Answering Paragraph 1, states that such paragraph sets forth a legal conclusion requiring no factual response.

2. Answering Paragraph 2, states that such paragraph sets forth a legal conclusion requiring no factual response.

3. Answering Paragraph 3, states that such paragraph sets forth a legal conclusion requiring no factual response.

4. Answering Paragraph 4, states that such paragraph sets forth a legal conclusion requiring no factual response.

5. Answering Paragraph 5, states that such paragraph sets forth a legal conclusion requiring no factual response.

6. Answering the averments of paragraph 6, admits upon information and belief the averments regarding the residency of Plaintiffs and states that it is without knowledge or information sufficient to form a belief as to the truth of the remaining averments and therefore denies the same.

7. On information and belief, admits the averments of paragraph 7 regarding the location of plaintiff Financial Plastic Surgery Center.

8. On information and belief, admits the averments of paragraph 8 regarding the location of Tracy Richter.

9. On information and belief, admits the averments of paragraph 9 regarding the location of Anna Richter.

10. Denies the averments of Paragraph 10.

11. Admit the averments of paragraph 11.

12. On information and belief, admit the averments of the first sentence of paragraph 12, and denies the remainder of such paragraph.

13. Admits that Edward Magedson is a resident of Arizona, and founded the RipoffReport.com website, and denies the remaining allegations of Paragraph 13.

14. Answering Paragraph 14, denies that the answering defendant is subject to jurisdiction in this Court, and denies the remaining averments of paragraph 14.

15. Denies the averments of paragraph 15.

16. Admits that Edward Magedson is the manager of Xcentric Ventures LLC, and that RipoffReport.com contains the tag lines “By consumers, for consumers” and “Don’t let them get away with it” and “Let the truth be known” and denies the remaining averments of Paragraph 16.

17. Admits that RipoffReport.com’s Terms of Service requires users to affirm the content they post is truthful and accurate, and denies the remaining averments of Paragraph 17.

18. Admits the averments of Paragraph 18.

19. Denies the averments of Paragraph 19.

20. Denies the averments of Paragraph 20.

21. Denies the averments of Paragraph 21.

22. Admits that RipoffReport.com has a tab entitled “Consumer Resources” and denies the remaining averments of Paragraph 22.

23. Denies the allegations of Paragraph 23.

24. Denies the averments of Paragraph 24.

25. Denies the averments of Paragraph 25.

26. Answering the averments of paragraph 26, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

27. Answering the averments of paragraph 27, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

28. Answering the averments of paragraph 28, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

29. Answering the averments of paragraph 29, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

30. Answering the averments of paragraph 30, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

31. Answering the averments of paragraph 31, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

32. Answering the averments of paragraph 32, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

33. Answering the averments of paragraph 33, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

34. Answering the averments of paragraph 34, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

35. Answering the averments of paragraph 35, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

36. Answering the averments of paragraph 36, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

37. Answering the averments of paragraph 37, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

38. Answering the averments of paragraph 38, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

39. Answering the averments of paragraph 39, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

40. Answering the averments of paragraph 40, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

41. Answering the averments of paragraph 41, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

42. Answering the averments of paragraph 42, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

43. Answering the averments of paragraph 43, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

44. Answering the averments of paragraph 44, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

45. Answering the averments of paragraph 45, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

46. Denies the averments of the second sentence of Paragraph 46.

47. Answering the averments of paragraph 47, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

48. Answering the averments of paragraph 48, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

49. Answering the averments of paragraph 49, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

50. Answering the averments of paragraph 50, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

51. Answering the averments of paragraph 51, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

52. Denies the averments of Paragraph 52.

53. Answering the averments of paragraph 53, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

54. Answering the averments of paragraph 54, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

55. Answering the averments of paragraph 55, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

56. Answering the averments of paragraph 56, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

57. Answering the averments of paragraph 57, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

58. Denies the averments of Paragraph 58.

59. Denies the averments of Paragraph 59.

60. Denies the averments of Paragraph 60.

61. Denies the averments of Paragraph 61.

62. Denies the averments of Paragraph 62.

63. Admits that posts appeared on RipoffReport.com about Anna Richter's trial, and that several of the posts were authored by Meade and others were authored by persons anonymous to Xcentric and Magedson, and denies the remaining averments of Paragraph 63.

64. Answering Paragraph 64, states that the subject post speaks itself, and denies any averments inconsistent with same.

65. Denies the averments of Paragraph 65.

66. Answering Paragraph 66, states that they are without knowledge or information sufficient to form a belief regarding the averments, and therefore denies the same.

67. Answering Paragraph 67, states that the cited legal opinion speaks for itself.

68. Denies the averments of Paragraph 68 in so far as they relate to Xcentric, and state that they are without knowledge or information sufficient to form a belief in the truth of the remaining averments.

69. Answering Paragraph 69, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

70. Answering Paragraph 70, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

71. Answering Paragraph 71, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

72. Answering Paragraph 72, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

73. Answering Paragraph 73, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

74. Answering Paragraph 74, states that the subject post speaks for itself, and denies any allegations inconsistent therewith.

75. Denies the averments of Paragraph 75.

76. Denies the averments of Paragraph 76.

77. Denies the averments of Paragraph 77.
78. Denies the averments of Paragraph 78.
79. Denies the averments of Paragraph 79.
80. Answering the averments of paragraph 80, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
81. Answering the averments of paragraph 81, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
82. Answering the averments of paragraph 82, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
83. Answering the averments of paragraph 83, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
84. Answering the averments of paragraph 84, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
85. Answering the averments of paragraph 85, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
86. Answering the averments of paragraph 86, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
87. Answering the averments of paragraph 87, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
88. Answering the averments of paragraph 88, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.
89. Denies the averments of Paragraph 89.

90. Answering the averments of paragraph 90, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

91. Answering the averments of paragraph 91, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

92. Denies the averments of Paragraph 92.

93. Denies the averments of Paragraph 93.

94. Denies the averments of Paragraph 94.

95. Denies the averments of Paragraph 95.

96. Denies the averments of Paragraph 96.

97. Denies the averments of Paragraph 97.

98. Denies the averments of Paragraph 98.

99. Denies the averments of Paragraph 99.

100. Denies the averments of Paragraph 100.

101. Denies the averments of Paragraph 101.

102. Answering Paragraph 102, states that the referenced posts speak for themselves, and denies any averments inconsistent therewith.

103. Answering Paragraph 103, states that the referenced posts speak for themselves, and denies any averments inconsistent therewith.

104. Admits the averments of Paragraph 104.

105. Incorporates its responses to the referenced paragraphs.

106. Denies the averments of Paragraph 106.

107. Denies the averments of Paragraph 107.

108. Denies the averments of Paragraph 108.

- 109. Denies the averments of Paragraph 109.
- 110. Denies the averments of Paragraph 110.
- 111. Denies the averments of Paragraph 111.
- 112. Denies the averments of Paragraph 112.
- 113. Denies the averments of Paragraph 113.
- 114. Denies the averments of Paragraph 114.
- 115. Denies the averments of Paragraph 115.
- 116. Denies the averments of Paragraph 116.
- 117. Denies the averments of Paragraph 117.
- 118. Denies the averments of Paragraph 118.
- 119. Denies the averments of Paragraph 119.
- 120. Denies the averments of Paragraph 120.
- 121. Answering Paragraph 121, states that such paragraph sets forth a legal statement requiring no factual response.
- 122. Incorporates its responses to the referenced paragraphs.
- 123. Denies the averments of Paragraph 123.
- 124. Denies the averments of Paragraph 124.
- 125. Denies the averments of Paragraph 125.
- 126. Answering Paragraph 126, states that such paragraph sets forth a legal statement requiring no factual response.
- 127. Answering Paragraph 127, states that such paragraph sets forth a legal statement requiring no factual response.

128. Answering Paragraph 128, states that such paragraph sets forth a legal statement requiring no factual response.

129. Incorporates its responses to the referenced paragraphs.

130. Denies the averments of Paragraph 130.

131. Denies the averments of Paragraph 131.

132. Denies the averments of Paragraph 132.

133. Denies the averments of Paragraph 133.

134. Denies the averments of Paragraph 134.

135. Denies the averments of Paragraph 135.

136. Incorporates its responses to the referenced paragraphs.

137. Denies the averments of Paragraph 137.

138. Denies the averments of Paragraph 138.

139. Answering the averments of paragraph 139, states that it is without knowledge or information sufficient to form a belief as to the truth thereof, and therefore denies the same.

140. Denies the averments of Paragraph 140.

141. Denies the averments of Paragraph 141.

142. Denies the averments of Paragraph 142.

143. Denies the averments of Paragraph 143.

144. Denies the averments of Paragraph 144.

145. Denies all averments not specifically admitted hereinabove.

146. States that Plaintiffs have failed to state a claim upon which relief can be granted.

AFFIRMATIVE DEFENSES

147. States that Plaintiffs' claims are barred by the statutes of limitation applying to therein claims.

148. States that Plaintiffs' claims fail due to immunities provided by the Communications Decency Act, 47 U.S.C. § 230.

149. States that Plaintiffs' claims fail due to the truth of factual representations complained of by Plaintiffs.

150. States that Plaintiffs' claims fail due to the rights to free speech guaranteed by the U.S. Constitution, laws of the United States, and the laws of the Commonwealth of Virginia.

WHEREFORE, Defendant prays for relief as follows:

- A. That Plaintiffs' claims be dismissed with prejudice;
- B. For such other relief as the Court may deem just in the premises.

Respectfully Submitted,

DICKINSON WRIGHT PLLC

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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

JOHN M. PITMAN, III

and

PENINSULA PLASTIC SURGERY CENTER, LTD.

Plaintiffs,

v.

XCENTRIC VENTURES, LLC

and

EDWARD MAGEDSON

and

DARREN M. MEADE

and

TRACEY A. RICHTER

and

ANNA RICHTER

and

BERT PITTMAN (a/k/a BERT RICHTER)

Defendants.

Case No. 4:16-cv-00179-HCM-DEM

**ANSWER OF DEFENDANT
XCENTRIC VENTURES, LLC**

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Answer was served via pre-paid First Class U.S. Mail on this 15th day of December, 2016 to:

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Respectfully Submitted,

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